



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GENENTECH, INC.  
1 DNA WAY  
SOUTH SAN FRANCISCO CA 94080

**COPY MAILED**

**DEC 17 2008**

In re Patent No. 7,407,660 :  
Issued: August 5, 2008 : LETTER REGARDING PTA  
Application No. 10/824,075 :  
Filed: April 14, 2004 :  
Atty. Dkt. No.: P2014R1 :

This letter is in response to the "RECALCULATION OF PATENT TERM ADJUSTMENT," filed May 6, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed April 24, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 522 days as of the time of allowance. The application issued as U.S. Pat. No. 7,407,660 on August 5, 2008, prior to the rendering of a letter concerning the patent term adjustment. Applicants indicated that the correct patent term adjustment at the time of allowance was 481 days.

The correct Patent Term Adjustment ("PTA") at the time of the issuance is 478 days.

As reflected in the Determination of Patent Term Adjustment mailed April 24, 2008, an adjustment of 553 days can be attributed to the Office in accordance with 37 CFR 1.702(a)(1).

The adjustment was properly reduced 31 days in accordance with 37 CFR 1.704(b) in connection with the reply to the non-final Office action filed August 10, 2007.

At the time of allowance, the Office neglected to assess a reduction of three days in accordance with 37 CFR 1.704(b) in connection with the reply filed September 27, 2004 in response to the Notice to File Missing Parts (Notice) mailed June 24, 2004. The reduction commenced September 25, 2004, the day after the date that is three months after the date that the Notice was mailed, and ended September 27, 2004, the date that the reply was filed.

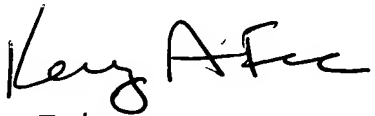
Further, at the time of allowance, the Office neglected to assess a reduction of 41 days in accordance with 37 CFR 1.704(b) in connection with the reply filed March 4, 2008 in response to the final Office action mailed October 23, 2007. The reduction commenced January 24, 2008, the day after the date that is three months after the date that the final Office action was mailed, and ended March 4, 2008, the date that the reply was filed.

Accordingly, at the time of issuance, the application was entitled to an adjustment 478 days (adjustments totalling 553 days less reduction totalling 75 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 478 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries  
Senior Patent Attorney  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,407,660 B2  
DATED : August 5, 2008  
INVENTOR(S) : Gerritsen, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 522 days

Delete the phrase "by 522 days" and insert – by 478 days--

Day : Tuesday  
Date: 12/16/2008**PALM INTRANET**

Time: 12:00:25

**PTA Calculations for Application: 10/824075**

Application Filing Date:	04/14/2004	PTO Delay (PTO):	553
Issue Date of Patent:	08/05/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	31
Post-Issue Petitions:	0	Total PTA (days):	478
PTO Delay Adjustment:	-44		

**File Contents History**

Number	Date	Contents Description	PTO	APPL	START
92	12/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		44	
87.5	07/16/2008	PTA 36 MONTHS			
87	08/05/2008	PATENT ISSUE DATE USED IN PTA CALCULATION			
86	07/01/2008	EXPORT TO FINAL DATA CAPTURE			
85	06/27/2008	FINISHED INITIAL DATA CAPTURE			
84	06/30/2008	DISPATCH TO FDC			
83	05/22/2008	APPLICATION IS CONSIDERED READY FOR ISSUE			
82	05/21/2008	ISSUE FEE PAYMENT VERIFIED			
81	05/21/2008	ISSUE FEE PAYMENT RECEIVED			
80	05/12/2008	SEQUENCE FORWARDED TO PUBS ON TAPE			
79	04/28/2008	EXPORT TO INITIAL DATA CAPTURE			
78	04/24/2008	MAIL NOTICE OF ALLOWANCE			
77	04/23/2008	ISSUE REVISION COMPLETED			
76	04/23/2008	DOCUMENT VERIFICATION			
75	04/23/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
74	04/23/2008	CASE DOCKETED TO EXAMINER IN GAU			
73	04/23/2008	NOTICE OF ALLOWABILITY			
67	03/15/2008	DATE FORWARDED TO EXAMINER			
66	03/04/2008	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
65	03/15/2008	DATE FORWARDED TO EXAMINER			
64	03/04/2008	REQUEST FOR CONTINUED EXAMINATION (RCE)			
63	03/15/2008	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			

62	03/04/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
61	03/04/2008	WORKFLOW - REQUEST FOR RCE - BEGIN			
60	10/23/2007	MAIL FINAL REJECTION (PTOL - 326)			
59	10/22/2007	FINAL REJECTION			
58	08/10/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
57	08/14/2007	DATE FORWARDED TO EXAMINER			
56	08/10/2007	RESPONSE AFTER NON-FINAL ACTION		31	52
55	08/10/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
54	08/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	08/10/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
52	04/10/2007	MAIL NON-FINAL REJECTION			
51	04/02/2007	NON-FINAL REJECTION			
50	01/20/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	02/22/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	11/10/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	01/30/2007	DATE FORWARDED TO EXAMINER			
46	01/18/2007	RESPONSE TO ELECTION / RESTRICTION FILED			
45	12/19/2006	MAIL RESTRICTION REQUIREMENT	553		-1
44	12/14/2006	REQUIREMENT FOR RESTRICTION / ELECTION			
43	01/20/2006	REFERENCE CAPTURE ON IDS			
42.7	01/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
42	01/20/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
41	08/04/2005	MISCELLANEOUS INCOMING LETTER			
40.7	02/22/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
40	02/22/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39.7	11/10/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
39	11/10/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			

38	09/27/2004	PRELIMINARY AMENDMENT			
37	05/26/2005	CASE DOCKETED TO EXAMINER IN GAU			
35	02/07/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
33	09/27/2004	PRELIMINARY AMENDMENT			
32	02/07/2005	CASE DOCKETED TO EXAMINER IN GAU			
31	11/10/2004	REFERENCE CAPTURE ON IDS			
29	10/26/2004	APPLICATION RETURN FROM OIPE			
28	10/26/2004	APPLICATION RETURN TO OIPE			
27	10/26/2004	APPLICATION RETURN FROM OIPE			
26	10/26/2004	APPLICATION IS NOW COMPLETE			
25	09/24/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
24	10/22/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
23	10/22/2004	APPLICATION RETURN TO OIPE			
22	10/22/2004	APPLICATION RETURN FROM OIPE			
21	10/22/2004	APPLICATION IS NOW COMPLETE			
17	10/22/2004	PRE-EXAM OFFICE ACTION WITHDRAWN			
16	10/22/2004	APPLICATION RETURN TO OIPE			
15	10/21/2004	APPLICATION DISPATCHED FROM OIPE			
14	10/22/2004	APPLICATION IS NOW COMPLETE			
11	04/14/2004	CLAIM PRELIMINARY AMENDMENT			
9	09/24/2004	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
8	09/24/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
7	10/06/2004	ERROR(S) IN CRF CORRECTED BY STIC			
5	05/26/2004	CLEARED BY L&R (LARS)			
4	05/19/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	05/19/2004	CASE CLASSIFIED BY OIPE			
2	04/25/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/14/2004	INITIAL EXAM TEAM NN			

Search Another: Application#

**EXPLANATION OF PTA CALCULATION**

**EXPLANATION OF PTE CALCULATION**

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | Home page